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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,
11 Plaintiff,
12 v.
13 BRETT ELLIOTT SWALWELL,
14 Defendant.

CASE NO. CR95-0380 MJP

PROPOSED FINDINGS OF FACT
AND DETERMINATION AS TO
ALLEGED VIOLATIONS OF
SUPERVISED RELEASE

15 INTRODUCTION

16 I conducted a hearing on alleged violations of supervised release in this case on July 16, 2007.
17 The United States was represented by Nicholas Brown, and defendant was represented by Jay Stansell.
18 The proceedings were recorded on cassette tape.

19 CONVICTION AND SENTENCE

20 Defendant had been convicted on multiple counts of bank robbery. The Hon. William L.
21 Dwyer of this court sentenced defendant on September 11, 1995 to 151 months of imprisonment,
22 followed by three years of supervised release. Defendant was released to supervision on March 16,
23 2007.

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26 PROPOSED FINDINGS - 1

1 ALLEGED VIOLATIONS AND DEFENDANT'S ADMISSIONS

2 In an application dated July 9, 2007, USPO Brian K. Facklam alleged that defendant violated
3 the conditions of supervised release in two respects:

- 4 (1) Drinking alcohol on or about June 6, 2007; and
5 (2) Failure to report a change in residence address to the U.S. Probation Office.

6 The case was reassigned to the Hon. Marsha J. Pechman, for revocation proceedings.

7 At the hearing on July 16, 2007, the court advised defendant as to the two alleged violations and as to
8 his constitutional rights. He admitted both violations, waived any hearing as to whether they occurred,
9 and consented to having the matter set for a disposition hearing before Judge Pechman.

10 RECOMMENDED FINDINGS AND CONCLUSIONS

11 Based upon the foregoing, I recommend the court find that defendant has violated the
12 conditions of his supervised release in the two respects alleged, and conduct a disposition hearing.
13 The date of that hearing has not yet been set.

14 The Probation Office, the U.S. Attorney, and defendant joined in a request that defendant be
15 released on bond, pending a final determination by the court. The conditions of the bond include
16 defendant's satisfactory participation in an alcohol treatment program, and the bond incorporates all
17 other conditions of his supervised release.

18 DATED this 16th day of July, 2007.

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21 /s/John L. Weinberg
JOHN L. WEINBERG
United States Magistrate Judge

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23 cc: U.S. District Judge : Hon. Marsha J. Pechman
24 : Nicholas Brown
Assistant U.S. Attorney : Jay Stansell
25 : Brian K. Facklam
Defense Attorney
U. S. Probation Officer